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6 Attorneys for Defendants

ROBIN P. ARKLEY, II, and CHERIE ARKLEY

8 UNITED STATES DISTRICT COURT

9 NORTHERN DISTRICT OF CALIFORNIA,

10 OAKLAND DIVISION

11 BANK OF AMERICA, N.A.,

12 Plaintiff,

13 vs.

14 ROBIN P. ARKLEY, II, a resident and citizen of
California, in his individual capacity and in his
15 capacity as co-trustee of The Robin P. Arkley, II and
Cherie Arkley Family Trust dated November 2, 1995
16 and restated and/or amended November 27, 2003,
January 18, 2007 and September 26, 2007 (the
17 "Family Trust") and co-trustee of The Robin and
Cherie Arkley Revocable Algiers Bancorp Stock
18 Trust date unknown (the "Algiers Trust"), and
CHERIE ARKLEY, a resident and citizen of
19 California, in her capacity as co-trustee of The
Family Trust and her capacity as co-trustee of the
20 Algiers Trust,

21 Defendants.

Case No. 4:10-cv-01373-PJH

**JOINT STIPULATION AND
REQUEST TO AMEND BRIEFING
SCHEDULE AND TO MOVE:**

**(1) HEARING DATE FOR
PLAINTIFF'S APPLICATION FOR
WRIT OF ATTACHMENT,
TEMPORARY PROTECTIVE
ORDER, AND RIGHT TO ATTACH
ORDER; AND**

**(2) CASE MANAGEMENT
CONFERENCE**

[PROPOSED ORDER]

Complaint. Filed: March 31, 2010

Trial Date: None

Judge Phyllis J. Hamilton

1 WHEREAS, Plaintiff Bank of America, N.A. ("Plaintiff") and Defendants Robin P.
2 Arkley, II and Cherie Arkley (collectively "Defendants"), are exchanging draft settlement
3 agreements and have substantially completed preparing a final settlement agreement;

4 WHEREAS, there are documents accompanying the settlement agreement that the parties
5 are still in the process of exchanging and completing;

6 WHEREAS, the parties expect to finalize their settlement soon, but may not do so before
7 certain deadlines in the case;

8 WHEREAS, the parties will notify the Court promptly upon finalizing their settlement;

9 WHEREAS, the following briefing schedule and case schedule are presently in effect:

- 10 • Case Management Statement Due: July 22, 2010;
- 11 • Defendants' time to oppose and to submit exemptions to Plaintiff's Application for
12 Writ of Attachment, Temporary Protective Order, and Right to Attach Order: July 23, 2010;
- 13 • Case Management Conference: July 29, 2010;
- 14 • Plaintiff's reply to response to Application for Writ of Attachment, Temporary
15 Protective Order, and Right to Attach Order: August 2, 2010;
- 16 • Last day for Defendants to respond to Plaintiffs' complaint: August 13, 2010;
- 17 • Hearing on Plaintiff's Application for Writ of Attachment, Temporary Protective
18 Order, and Right to Attach Order: August 18, 2010.

19 WHEREAS, good cause exists to reschedule the date of the Initial Case Management
20 Conference given the parties expect to finalize a settlement soon;

21 NOW THEREFORE, the parties, by and through their undersigned counsel, hereby
22 stipulate and request that the briefing schedule and case schedule be modified as follows:

- 23 • Defendants' time to oppose and to submit exemptions to Plaintiff's Application for
24 Writ of Attachment, Temporary Protective Order, and Right to Attach Order be moved to
25 **September 21, 2010;**
- 26 • Case Management Statement Due: **September 23, 2010;**
- 27 • The parties' Initial Case Management Conference be move from July 29, 2010 to
28 **September 30, 2010 at 2 p.m.;**

- 1 • Plaintiff's time to reply to Defendants' response be moved to **October 1, 2010**;
- 2 • Last day for Defendants to respond to Plaintiff's Complaint be moved to **October**
- 3 **12, 2010**;
- 4 • The hearing on Plaintiff's Application for Writ of Attachment, Temporary
- 5 Protective Order, and Right to Attach Order be moved from August 18, 2010 to **October 20,**
- 6 **2010, at 9:00 a.m.**

7 IT IS SO STIPULATED.

8
9 DATED: July 16, 2010

REED SMITH LLP

10
11 By /s/

12 Mark Tamburri
13 Attorneys for Plaintiff
BANK OF AMERICA, N.A.

14 DATED: July 16, 2010

QUINN EMANUEL URQUHART &
SULLIVAN, LLP

15
16 By /s/

17 Patrick C. Doolittle
18 Attorneys for Defendants
19 ROBIN P. ARKLEY, II and CHERIE ARKLEY

20 **PURSUANT TO STIPULATION, IT IS SO ORDERED**

21
22 DATED: 7/19/10

By: _____



FILER'S ATTESTATION

I, Patrick Doolittle, am the ECF User whose identification and password are being used to file this JOINT STIPULATION AND REQUEST TO AMEND BRIEFING SCHEDULE AND TO MOVE HEARING DATE FOR PLAINTIFF'S APPLICATION FOR WRIT OF ATTACHMENT, TEMPORARY PROTECTIVE ORDER, AND RIGHT TO ATTACH ORDER ("STIPULATION"). In compliance with General Order 45.X.B., I hereby attest that Mark Tamburri, Counsel of Record for plaintiff Bank of America, has concurred in the filing of this STIPULATION.

DATED: July 16, 2010

QUINN EMANUEL URQUHART &
SULLIVAN, LLP

By /s/
Patrick C. Doolittle